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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/606,673	06/26/2003	Kenzou Kassai	4540	6403

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EXAMINER

NELSON JR, MILTON

ART UNIT PAPER NUMBER

3636

DATE MAILED: 09/07/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/606,673

Applicant(s)

KASSAI ET AL.

Examiner

Milton Nelson, Jr.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 August 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) 2 and 3 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 4-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 June 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date =
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Information Disclosure Statement

The information referred to in the information disclosure statements filed June 26, 2003 and June 28, 2004 has been considered.

Priority

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Oath/Declaration

The oath or declaration is defective. A new oath or declaration in compliance with 37 CFR 1.67(a) identifying this application by application number and filing date is required. See MPEP §§ 602.01 and 602.02.

The declaration is defective because page 3 of the declaration includes non-initialed and/or non-dated alterations have been made to the oath or declaration. See 37 CFR 1.52(c).

Specification

The disclosure is objected to because of the following informalities: Line 19 on page 8 of the specification includes a spelling error. Note "Theses". Appropriate

correction is required. Also, the reference characters "60" and "70" have both been assigned to the "V-shaped shield structure" on page 14 of the specification.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1, 4-13 and 15-19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In claim 1, it is unclear from the claim language whether Applicant intends to positively claim the combination a child car seat and a child, or the subcombination of a child car seat. Line 1 appears to set forth the subcombination. Note the recitation "A child car seat comprising". Lines 3-5 appear to set forth the combination. Note the recitation of the child car seat structure "extending from above both shoulders of a child". Also note the recitation of "the child seated in said seat body". Similar instances of indefiniteness can be found throughout the claims. Note line 3 of claim 5, wherein the child car seat has structure extending "over both shoulders of the child seated in said seat body". Note lines 2-3 of claim 6, wherein the child car seat is set forth as having structure "projecting toward a waist part of the child seated in said seat body". Note lines 2-3 of claim 7, which includes reference to "a boy seated in said seat body". Note lines 2-3 of claim 13, where the child car seat is set forth as including structure "extending from the seat wall of said seat body to a crotch of the child". Note claim 15, wherein the child car seat is set forth as including structure

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“projecting toward a waist part of the child seated in said seat body”. Clarification in the claim language is required. In claim 5, “the almost horizontal direction” lacks proper antecedent basis. In claim 7, is “a boy” intended to be the same as “a child”, as set forth in claim 1, from which claim 7 depends? Line 3 of claim 17 is grammatically incorrect. Note “drawn out to an front”. In line 5 of claim 19, it is unclear if “the opened state” is intended to be the same condition as the previously set forth “opened position”. The remaining dependent claims are indefinite since each depends from an indefinite claim.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by DE (7918120). In Figures 5-6, note the seat body (1) and the V-shaped shield structure (4, 9). Also note that the car seat shown is capable of supporting a child.

Allowable Subject Matter

Claims 4-19 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Election/Restrictions

Applicant's election without traverse of Group 2, Figures 9-15, claims 1, 4, 5, 8-10 and 12-19 in the reply filed on August 20, 2004 is acknowledged. Non-elected claims 6, 7 and 11 have been treated on the merits since each has been found to depend from an elected claim that includes allowable subject matter. Claims 2 and 3 remain non-elected and have been withdrawn from further consideration.

Conclusion

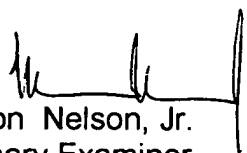
The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Restraint structure including a crotch post/strap and/or shoulder supports is shown by each of Kassai (D427785), Tsuge et al (4688849), Parker et al (5061012), Slichter et al (D369474), Kroon et al (6637341), Gray (5549356), Glover (5181765), and Ward, Jr. et al (5683138). Freedman et al (6398302) shows internal frame structure for a child seat.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Milton Nelson, Jr. whose telephone number is 7033082117. The examiner can normally be reached on Monday-Friday 5:30-3:00.

The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Milton Nelson, Jr.
Primary Examiner
Art Unit 3636

mn
August 31, 2004